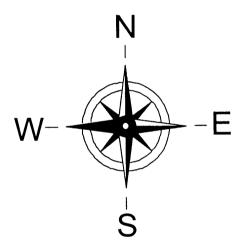
**Dunklin County** 

**Drug Court** 

**Program** 



**Participant** 

Handbook

#### Introduction

Welcome to the Dunklin County Drug Court Program. You have now entered a voluntary 12 to 18 month intensive drug and alcohol treatment program. This program is considered a Diversionary Program, which is intended to afford each pre-plea participant the opportunity to have their charges dismissed, if they successfully complete the program. It also allows for participants, who have entered in a post- plea situation to reduce the amount of time they might remain on supervised probation, if they successfully complete the program.

The main focus of the Drug Court Program is to assist you, the participant, in becoming free and clean of substance abuse. The program will help you achieve this goal through the use of intensive substance abuse treatment, intensive supervision, weekly court appearances, and weekly random drug testing.

In addition, the program staff is committed to assisting you in finding full time employment that will enable you to create a better and more stable life. The program staff will also assist those participants that do not have a high school diploma, to either reenter high school or complete a G.E.D. program. There is also opportunities for those who have graduated or achieved a G.E.D. to attend College or Vocational programs.

The Dunklin County Drug Court Program is a voluntary program, which means that each participant can withdraw at any time. Those participants who do withdraw will be immediately referred back to the court, and have their criminal proceedings reopened, or sentences imposed. The Program staff would like to encourage each participant to complete the program and take advantage of this revolutionary program within the criminal justice system.

---- The Dunklin County Drug Court Team

#### Goals and Objectives

The Dunklin County Drug Court Programs primary goals are to reduce crime and the number of substance abusers committed to prison, thereby reserving prison beds for violent and persistent offenders.

The objectives are to keep substance abusers in the community and enhance their recovery success by:

- Enhanced substance abuse assessment and treatment combined with family and personal counseling, as needed.
- Identifying and purposefully addressing other significant barriers to success such as education deficiencies and lack of employment.
- Providing meaningful compliance sanctions and rewards which will support recovery and restoration, but will not result in prison commitment.

These objectives will be met through the creation of an individualized treatment plan for each participant that will address all these areas, which in the end will produce a healthy and successful member of the community.

#### Eligibility Criteria

Eligibility for purpose of admission will be determined based upon each prospective participant meeting the following criteria:

- Must be charged with a drug related felony
- Subject must not have a prior or pending violent crime
- Subject may not have a history of significant violent behavior
- Current charge must not be based on significant sales or manufacturing of controlled substances
- May not have more than one prior felony conviction or plea of guilty

#### **Program Phases**

The Drug Court Program is a twelve to eighteen month maximum program, that is divided into four unique levels or phases, as they will be referred to from now on. Each phase has been developed to help the participant overcome certain issues that are usually prevalent at different stages of substance abuse treatment. This handbook will define each phase and present the minimum requirements for advancement for each phase.

#### **Phase One**

This phase consists of an assessment by the Diversion Manager and the Substance Abuse Counselor. Upon completion of both assessments the prospective participant will meet with the Counselor and Diversion Manager and develop an individualized treatment plan. That plan will be presented to the Drug Court team for consideration of allowing the individual to enter the program.

If the individual is accepted and agrees to enter the program, he or she could be placed in a 30 day inpatient facility, but it is possible that the Drug Court Team may place the participant in Phase Two, if they feel it is more appropriate.

Length of Phase: 30 days

#### Minimum Requirements for Advancement to Phase Two

- The participant must successfully complete the 30 day program.
- The participant must remain drug and alcohol free

#### **Phase Two**

Phase two consists of intensive outpatient counseling in the community. This phase will also require that the participant start working on his or her own educational and employment situations.

The substance abuse counseling and urinalysis will consist of the following:

Length of Phase: Minimum of Six Weeks

Group Counseling Group Education Individual / Family Counseling Urine testing Random Urine testing

Diversion Manager meetings Journal entries Court appearances 3 hours per week 17 hours per week 1 to 2 hours per week 3 times per week 3 times per month

1 time per week Daily Weekly

#### **Program Phases**

#### Minimum Requirements for Advancement to Phase Three

- The Participant must complete Step 6 in the MRT Book
- No positive UA screens for the last 60 days
- No unexcused absences for the last 60 days (this would include all meetings, court appearances, and diversion meetings)
- Enrollment in High School or a G.E.D. Program
- Program fees paid up to date

#### **Phase Three**

Phase Three will consist of a less restrictive counseling schedule and will enable the participant to focus more time on employment, education, and any other issue that may be of concern at the time.

Length of Phase: Minimum of Six Weeks

Group Counseling
Group Education
Individual / Family Counseling
Urinalysis

Diversion Manager Meetings Journal entries Court Appearances 1.5 hours per week10.5 hours per week1 hour per weekSame as Phase Two

1 time per week
Daily
Two times per month

#### Minimum Requirements for Advancement to Phase Four

- The participant must complete the MRT Book
- The participant must be employed full time
- The participant must have no positive drug screens for the last 90 days
- No missed meetings or appearances for the last 90 days
- Program fees must be paid up to date
- Be enrolled in High school or G.E.D. Program

#### **Program Phases**

#### **Phase Four**

Phase four is the final phase of the program and without a doubt the least restrictive of all the phases. The idea is that by the time the participant reaches this phase that they are stable and have been clean and sober for three months. This phase requires the participant to maintain full time employment, while attending a minimal treatment program. It also requires that the participant focus on the educational goals and make every attempt to complete their treatment plan.

Length of Phase: (32 weeks)

Group Counseling
Individual / Family Counseling
Urinalysis
Random testing

Diversion Manager Meetings Journal Entries Court Appearances 2 hours per week1 hour every two weeks2 per weekWill be conducted as necessary

1 time per week
Daily
1 time per month (minimum)

#### Minimum Requirements for Completion of the Program

- Participant must complete the treatment program satisfactorily
- Participant must not have tested positive during Phase four
- Participant must be employed full time for last 90 days
- Participant must have completed High School or a G.E.D. Program
- All program fees paid in full
- No missed meetings or court appearances

Upon completion of Phase four the participant will be successfully graduated from the program and depending on the entry criteria will have their case dismissed or supervision time reduced.

#### **Court Appearances**

The Dunklin County Drug Court Program requires each participant to appear before the court on a regular basis. The number of appearances is based upon the phase that each participant is currently at, but can be modified if an issue needs to be discussed. Court appearances are very important because it allows the Drug Court Team to meet with each participant and address issues that have arisen since their last court appearance.

During Drug Court sessions, any number of things occur and could include advancements to a higher phase, rewards for good progress, and sanctions for negative behavior. The important thing for you, the participant, to remember is that this is your opportunity to address the whole team. You will have the opportunity to show the court your completed work, your journal, or to raise any concerns that you may have.

Each participant is required to bring the following thing with them when they appear in court:

- Counseling Handouts
- Journal
- Program Fee Payment
- AA / NA Sign In Sheets

Court is held every Tuesday afternoon and will begin promptly at 4:00 p.m. It is held in the main courtroom in the Dunklin County courthouse.

#### **Program Fees**

Each participant is required to pay a \$250.00 program fee during their enrollment in the program. Payments of \$5.00 per appearance will be accepted and must be paid in the Prosecuting Attorney's office prior to the start of court. Exact change will be required, but money orders are acceptable. You may also pay more than \$5.00 if you wish, but a minimum of \$5.00 is required during each appearance.

#### **Diversion Manager Meetings**

The Missouri Board of Probation and Parole has contributed one full time employee to act as your Diversion Manager. This person will act as your case manager and will complete reports on you each week to present to the court. Each participant is required to meet with the Diversion Manager a minimum of one time per week. Usually this meeting will involve a review of each participants counseling progress, journal entries, urine testing or review of results, etc...

The Diversion manager is an important reference point for each participant. He or she can make referrals to any educational program, help with employment, communicate concerns to the drug court team, or just be a support person. Each participant should take advantage of the resources the Diversion manager has and do not be afraid to ask for assistance.

Important things to bring with you when you report to The Diversion Manager are:

- Counseling Handouts
- Journals
- Program Fee Receipts
- Employment Contact Forms (if necessary)

Your Diversion manager can be reached at the following address and phone number:

Missouri Board of Probation and Parole 875 Hwy. VV Kennett, Missouri 63857 (573) 888-4900

Emergency Number: (888) 869-3195

#### **Journal Entries**

Each participant will be given a journal to write in daily. This journal will become a very important reference guide to you and you will be required to write in it every day. Entries should be a minimum of a paragraph, but can be as long as necessary. You will be required to bring the journal to all court appearances, diversion meetings and counseling sessions. Journals should consist of one entry per page and written in a legible manner, so that Drug court team members can read it.

No information from your journal can be used against you in your case and upon completion your journal is your property, to do with what you wish.

#### **Urine Testing Requirements**

A major part of the Drug Court Program involves random testing of all participants. The drug testing procedures for this program fall into two different categories. The first that will be discussed is testing during the week and the second involves weekend testing. All urine samples will be sent directly to the lab and the diversion manager will receive results within forty-eight hours. The tests are screened for alcohol, marijuana, amphetamine, benzodiazepans, and cocaine. They are also tested for creatine levels, which shows if the samples have be diluted. The drug court team may consider a diluted sample to be a tampered sample and sanctions could be levied against the participant if this occurs.

#### **Weekly Testing**

Each participant will be assigned a color when they are placed in the program. It will be the responsibility of the participant to contact the Diversion Manager every morning, Monday through Friday, between 8:00 a.m. and 9:00 a.m. to see if their color is being tested that day.

If you color is being tested, you will have until 2:00 p.m. that same day to report to the Probation Office and submit a sample. If you should appear at the probation office and cannot provide a sample within a two hour period, then it will be considered a refusal. Once you provide the sample you will be free to go.

#### **Weekend Testing**

Each participant will also be required on certain weekends to provide a sample. This testing wil occur on Saturdays. Each participant will be required to contact the following number:

#### (573) 888-4900

Upon reaching that number an answering machine will notify you if you are being tested that day. It will state the day and the specific time that you are to report to the Probation office. You may call the answering machine after 8:00 a.m. Once you appear at the Probation office you will have one hour from the report time to provide a sample, or it will be considered a refusal.

Each participant must realize that all urine collection will require an officer to physically observe the participant submitting a sample. Each participant will also be required to wear rubber gloves.

There will be no formal testing on Sunday's, but each participant should be prepared to submit a sample if asked to.

#### **Employment**

During your participation in the Dunklin County Drug Court Program, you will be required to find employment. The type of employment may vary based upon the phase you are currently in, but the type of employment is left up to you. The Drug Court team does reserve the right to have you change jobs if it feels that your employment choice may have a negative effect on your treatment program. The Drug Court Team has come up with a basic guideline for employment types, based upon phases:

Phase I - No employment

Phase II - Part Time (no more than 25 hours a week)

Phase III - Full Time (35 to 40 hours per week)
Phase IV - Full Time (35 to 40 hours per week)

The important thing to remember about employment is that while it is a main part of this program, your treatment must come first. If your job starts to interfere with your treatment plan some modification to your work schedule may be necessary.

In addition, Probation and Parole does offer a JOBS workshop that you can be referred to that will assist you in obtaining a full time job. . If you have any questions about it, please feel free to ask your Diversion Manager.

You will also be given an employment contact worksheet to show what employment contacts you have made. It is very important that you have that sheet with you whenever you appear in court, counseling or at your diversion meetings.

#### **Education**

Each participant in the Drug Court Program who does not have a High School Diploma or a G.E.D. certificate, will be required to obtain one by the end of the program. In order to assist you with this several G.E.D. classes are offered in the Kennett area and referrals can be made by your Diversion Manager. The Drug Court Team recognizes that education is a key component to success and feels that each participant must meet this goal in order to complete the program.

Those participants who have already completed High School or obtained a G.E.D. will have the opportunity to further their education if they wish. Your Diversion Manager does have several resources available that can help you enroll in college or a vocational program. The drug Court team encourages you to take advantage of these resources, and to further your education.

#### **Travel**

The Dunklin County Drug Court Program has certain restrictions on travel that each participant must abide by. The restrictions are for your safety, as well as, your best interest and must be followed.

#### In - State

Each participant may travel up to 100 miles within the State of Missouri without obtaining a travel permit. However, prior to traveling each participant must notify the Diversion Manager so that some record of it can be made.

In the case of an emergency, prior notification is not necessary, but the Drug Court Team reserves the right to determine what an emergency is.

#### Out - Of - State

Permission to travel outside the state is subject to more restrictions and will require a Travel permit. Travel permits are usually granted, as long as, the travel is a medical or employment issue and a fifteen day notice is received by the Diversion Manager. Recreational travel, while in the program is very limited, due to your counseling and urine testing schedules.

#### **Sanctions**

Unfortunately, there are times in which negative behavior requires the Drug Court Team to impose a sanction. A sanction is a type punishment for failing to abide by a program regulations. Sanctions can be levied for missed meetings, missed urine tests, failure to provide a urine sample, using controlled substances, or any number of things. In all cases, the Drug Court Team staffs the case prior to any sanction and makes the most appropriate recommendation for each issue.

Sanctions are not meant to belittle or single out any individual participant, but are used to reinforce the program rules so that each participant can successfully complete the program and become a contributing member of the community, free of drugs and alcohol.

#### Below is a list of possible sanctions:

- Increased AA / NA meetings
- Journal Reports
- Increased Urine Testing
- Community Service
- Increased Counseling
- Jail Time
- Increased Court Appearances

# **APPENDIX**

#### **Drug Court Team Members**

The Honorable Stephen R. Sharp Presiding Judge for the 35th District and the Drug Court Program

Stephen P. Sokoloff
Dunklin County
Prosecuting Attorney

Catherine Rice
Dunklin County
Public defenders Office

Officer Jay Hudson
Missouri Board of
Probation and Parole
Drug Court Diversion Manager

**Treatment Provider** 

Correctional Counseling Inc. Memphis, TN.

# IN THE CIRCUIT COURT OF DUNKLIN COUNTY, MISSOURI DIVISION \_\_\_\_\_ STATE OF MISSOURI Plaintiff, vs. Defendant. Defendant.

#### AGREEMENT FOR DRUG COURT ELIGIBILITY SCREENING

By execution of this document, I am hereby agreeing to be screened for eligibility in the program, and if found to be eligible will enter such program.

I specifically hereby waive any privacy or confidentiality provisions of the Missouri Statutes and do specifically authorize the Diversion Manager for the Drug Court Program and other Drug Court Program personal to obtain copies of any criminal history documents, treatment records, employment information and driver's license

information for me in order to determine my eligibility for participation in the Drug Court Program.

I do further understand that in the event that I do not elect to participate in the Program prior to execution of the Participation Document, or if I am found not to be eligible to participate in the program, information obtained as a result of this confidentiality waiver and authorization, shall not be used against me in any prosecution of the charges now pending against me.

Defendant		
Date		

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#### IN THE CIRCUIT COURT OF DUNKLIN COUNTY, MISSOURI

**DIVISION I** 

STATE OF MISSOU	JRI,	; )	
	Plaintiff,	)	
vs.		)	Case No.
		)	
	Defendant.	)	

#### DRUG COURT PROGRAM AGREEMENT

Ι,	the Defendant in the above-styled action, do hereby
agree to enter into	the Dunklin County Drug Court Program. I do understand that by entering
this program, that I	do have certain responsibilities and by agreeing to enter this program, waive
certain rights which	h I may have relating to my case. As a part of the entry agreement, I will
agree to do the foll	owing:

#### **DEFENDANT'S RESPONSIBILITIES:**

- 1. I will tell the truth at all times on any matters inquired by the Court, my diversion manager, the treatment team or treatment providers.
  - 2. I am waiving my right to a preliminary hearing in this matter.
- 3. I am waiving my right to a speedy trial during the time that I am enrolled in the Drug Court Program.
- 4. In the event that I am terminated from the Drug Court Program, I am giving up my right to a jury trial for the charges now pending and agree that any trial on those charges will be decided by the Court without a jury.
  - 5. I will attend all Court sessions as ordered.

- 6. I will follow the treatment plan as developed by the treatment team.
- 7. I will obey all laws and I understand that if I engage in any criminal activity, I may be prosecuted for the charges now pending against me in addition to any new charges.
- 8. I will tell my Diversion Manager within forty-eight (48) hours if I move, change my principal residence or change my telephone number or terminate telephone service.
- 9. I will tell my Division Manager within forty-eight (48) hours of any change in my employment.
  - 10. I will get permission from the Court before leaving the state of Missouri.
- 11. I will submit urine or breath samples for testing upon request by any treatment provider or any law enforcement officer.
- 12. I understand that the Drug Court Program may last up to eighteen (18) months and will cost me \$250.00, but I also understand that the length of the program and the cost may be reduced depending upon my progress and successful participation in the program.
- 13. I will be required to bring the sum of \$5.00 for each Court appearance, which will be applied to the \$250.00 participation fee.
- 14. I understand that while I am in the Drug Court Program, I may not possess, carry or transport any weapon as defined by Missouri Statutes.
- 15. I understand that I must follow the rules of the Drug Court Program, all directives from the Judge and my treatment team, and I must remain drug and alcohol free while in the program. If I do not do so, the Judge may impose sanctions upon me which can include but are not limited to:
  - A. Community service;
  - B. Restitution;

6. That if I quit the Drug Court Program or I am terminated from the program, anything I've said concerning drug usage while in the program, cannot be used against me in the prosecution of the case against me. 7. That I will not be asked specific questions about the underlying case pending against me while I am in the program. 8. I further understand that if I am terminated from the program, my conduct while in the program may be considered by the Court for the purpose of determining appropriate sentence for me. 9. I understand that I have the right to consult with counsel before signing this Contract, and that I may be giving up certain rights by signing this Contract, and that I do so of my free will and understanding that I am giving up those rights in order to participate in this program. Date: Defendant The above individual has been considered by me and determined to be eligible for participation in the Drug Court Program, and I do hereby agree to suspension of the prosecution against such Defendant during his/her participation in the Drug Court Program, and do further agree that in event that he/she successfully completes the program, that these charges will be dismissed, and that they cannot be refiled. Prosecuting Attorney - Dunklin County The Court, having considered the application of this Defendant for participation in the Drug Court Diversion Program, finds that the Defendant is a suitable person to participate and is ordered referred to the Drug Court Program for that purpose.

Judge

- C. Extra sessions with my Diversion Manager, Client Advocate or Treatment Counselor;
- D. Extra self-help groups;
- E. Residential treatment programs of up to ninety (90) days in duration;
- F. Incarceration in the Dunklin County Jail as determined by the Judge for up to one hundred-twenty (120) days;
- G. Attendance at extra AA/NA meetings;
- H. Attend sanction groups such as Focus, Second Chance, etc.; and
- I. Termination from the Drug Court Program.

#### CLINET'S RIGHTS AND BENEFITS:

As part of my participation in the Drug Court Program, I also understand that the following benefits and rights will be conferred upon me:

- 1. During the time that I am successfully participating in the Drug Court Program, the prosecution of the criminal case against me will be stayed.
- 2. That if I successfully complete the Drug Court Program, the criminal case pending against me will be dismissed and I can never again be tried for that charge.
- 3. That I make may consult with an attorney at any time, and if I cannot afford one, I can ask the Court to appoint an attorney to represent me and give me legal advice.
- 4. That the Public Defender is appointed to represent me in this matter and give me advice on the Drug Court Program only, and not to represent me on the underlying criminal charges now pending against me.
- 5. That I may quit the program at any time but I also understand that if I do so, I will be prosecuted on the case pending against me.

#### DUNKLIN COUNTY DRUG COURT PROGRAM INITIAL REFERRAL FORM

Initial Re	ferral Date	e:							
Name:				Address					
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### DUNKLIN COUNTY DRUG COURT DRUG SCREEN LOG SHEET

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## Dunklin County Drug Court Program Court Cost Payment Log

Name:	

Total	Costs:		
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DATE	RECEIPT #	AMOUNT	BALANCE

#### Credits

DATE	AMOUNT	BALANCE	DATE	AMOUNT	BALANCE

# Dunklin County Drug Court Program Diversion Manager End Of The Month Report MONTH OF:

TOTAL NUMBER OF ASSESSMENTS COMPLETED

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